

Notice of Allowability

Application No.

09/653,278

Examiner

David N. Spector

Applicant(s)

TAKAGI ET AL.

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment, filed 04/25/2005.
2. ☒ The allowed claim(s) is/are 1, 3-8, 14-20, 25-27, and 32-38.
3. ☒ The drawings filed on 25 April 2005 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 0405/20050425
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other DETAILED ACTION.

DETAILED ACTION - ALLOWANCE

Claims 1, 3-8, 14-20, 25-27, and 32-38 are allowed in light of amendments/arguments filed by applicant on April 25, 2005. Claims 2, 9-13, 21-24, 28-31, and 39-42 were cancelled under the amendment filed on April 25, 2005. All pending claims thus being allowable, prosecution on the merits is closed in this application.

Reasons for Allowance

A statement of the examiner's reasons for allowance follows. The instant application is deemed to be directed to nonobvious improvements over the inventions of Yamazaki (U.S. Patent No. 5,933,279), Hadani (U.S. Patent No. 4,467,190) and others cited by applicant as being representative examples in the art to which the instant invention pertains. In particular, said improvements provides image observation apparatus including an image pickup system, a display system, and an eyepiece optical system configured/positioned in a novel arrangement wherein the image pickup system is positioned $d \leq 60$ mm closer to the display system (or the object under observation) than would be the case for an image pickup system arranged to place the entrance pupil thereof at a position optically equivalent to the position of the exit pupil of the eyepiece, as recited, *inter alia*, in each of the instant independent claims (Claim 1, Lines 19-27; Claim 14, Lines 19-24). A prism having a rotationally asymmetric, decentered, reflecting surface with optical power depending upon azimuthal orientation (Claim 14, Lines 14-15) is also included in one embodiment of the instant invention. The prior art taken either singly or in combination fails to anticipate or fairly suggest the above-noted features/limitations taken together with the extant features/limitations of applicant's independent claims; in such a manner, that a rejection under 35 U.S.C. 102 or 103 would be proper. The claimed invention is therefore considered to be in condition for allowance as being novel and nonobvious over the prior art.

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Other Remarks/Information

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any other inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Spector whose telephone number is (571) 272-2338. The examiner can normally be reached at this number Monday through Friday between 6:00 AM and 2:30 PM. The fax number for the organization where this application is assigned is (703) 872-9306.

May 25, 2005

A handwritten signature in black ink, appearing to read 'D. N. Spector', with a stylized flourish at the end.

DAVID N. SPECTOR
PRIMARY EXAMINER